

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
BRANDON B. BROWN
United States Attorney
KAREN J. KING
Assistant United States Attorney
JOSHUA E. GARDNER
Special Counsel, Federal Programs Branch
M. ANDREW ZEE
LEE REEVES
Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
450 Golden Gate Ave.
San Francisco, CA 94102
Phone: (415) 436-6646
Email: m.andrew.zee@usdoj.gov

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

THE STATE OF LOUISIANA,

Plaintiff,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Defendants.

No. 2:23-cv-00692-JDC-KK

DEFENDANTS' NOTICE OF RESOLUTION OF TITLE VI COMPLAINTS

Defendants file this Notice to inform the Court that on this date, June 27, 2023, the Environmental Protection Agency (EPA) issued two letters, attached as Exhibits

A and B, to the Louisiana Department of Environmental Quality (LDEQ) and the Louisiana Department of Health (LDH) resolving the Title VI complaints filed against LDEQ and LDH by Earthjustice and the Lawyers' Committee for Civil Rights Under Law on behalf of Concerned Citizens of St. John and Sierra Club (Nos. 01R-22-R6, 02R-22-R6), and by Tulane Environmental Law Clinic on behalf of Stop the Wallace Grain Terminal, Inclusive Louisiana, RISE St. James, and the Louisiana Bucket Brigade (No. 04R-22-R6), and fully and finally closing EPA's investigations into the allegations of discrimination contained in those complaints. In resolving the complaints, EPA made no finding of discrimination or other violation of Title VI by either LDEQ or LDH. As a result of the closure, "EPA will not initiate under Title VI or other civil rights laws any further action, enforcement or otherwise, in response to these Complaints." Ex. A at 1; Ex. B at 1. Those now-resolved-complaints are the principal subjects of Plaintiff's May 24, 2023 Complaint filed in this Court.

Plaintiff has also filed on June 21, 2023 a motion for preliminary injunction challenging alleged actions by EPA in connection with the now-dismissed Title VI complaints. ECF No. 10. In its motion, Plaintiff requested a ruling on the motion by July 11, 2023, alleging that that was the "deadline imposed by EPA and the Private Special Interest Groups" in connection with the underlying Title VI complaints. *Id.* at 2. Because those complaints have now been resolved and the investigations closed without any finding of a Title VI violation, the referenced July 11, 2023 deadline has no significance and any urgency underlying Plaintiff's demand for expedited relief has abated.

Defendants are in the process of reviewing Plaintiff's voluminous motion for preliminary injunction. To the extent Plaintiff wishes to proceed with their motion given EPA's resolution of the complaints, Defendants are available to meet and confer on a briefing schedule.

Dated: June 27, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRANDON B. BROWN
United States Attorney

KAREN J. KING
Assistant United States Attorney

JOSHUA E. GARDNER
Special Counsel, Federal Programs Branch

/s/ M. Andrew Zee
M. ANDREW ZEE (CA Bar No. 272510)
LEE REEVES
Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
450 Golden Gate Ave.
San Francisco, CA 94102
Phone: (415) 436-6646
Email: m.andrew.zee@usdoj.gov

Attorneys for Defendants